IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

No. 4:12-CR-00043-F-1

No. 4:16-CV-00103-F

DEANTE JAMAL BEAMON,

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA,

Respondent.

This matter is before the court on Deante Jamal Beamon's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-54]. Having examined Beamon's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion, within **forty (40)** days of the filing of this order.

Beamon asserts a challenge based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and he previously qualified for appointed counsel. Therefore, pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015), the Office of the Federal Public Defender is appointed to represent Beamon to determine if he may qualify for post-conviction relief.

SO ORDERED.

This <u>15</u> day of June, 2016.

JAMES C. FOX

SENIOR UNITED STATES DISTRICT JUDGE